

Ronald J. Skocypec, Esq., Bar No.: 072690  
Melodee A. Yee, Esq., Bar No.: 168541  
PETERSON & BRADFORD, LLP  
100 North First Street, Suite 300  
Burbank, CA 91502  
818.562.5800  
818.562.5810 – Facsimile

Attorneys for Defendant  
LIBERTY MUTUAL INSURANCE COMPANY

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

Liberty Mutual Insurance Company,	)	Case No.: C 06 2022 SC
	)	
Plaintiff,	)	<b>LIBERTY MUTUAL INSURANCE</b>
	)	<b>COMPANY'S STATUS</b>
vs.	)	<b>CONFERENCE STATEMENT</b>
	)	
Michael T. Blatt,	)	DATE: September 8, 2006
	)	TIME: 10:00 A.M.
Defendant.	)	DEPT.: Ctrm 1, 17th Floor
	)	

Plaintiff Liberty Mutual Insurance Company ("Liberty") respectfully submits the following status conference statement in the above referenced action:

1. Liberty's complaint in this action was filed on or about March 16, 2006. Defendant Michael Blatt was served pursuant to Federal Rule of Civil Procedure 4(e)(2) on April 3, 2006.

2. Defendant failed to make an appearance within the time period required and default was entered against this defendant on May 3, 2006. Liberty filed its

1 application for default judgment by court on or about July 19, 2006.

2  
3 3. Prior to the hearing on Liberty's application for default judgment, attorney  
4 Ronald Foreman, Esq., representing defendant Blatt, contacted counsel for Liberty and  
5 asserted that service on defendant was improper and that defendant never received  
6 notice of the action.

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8 4. In light of this assertion, and to avoid additional expenses relating to the  
9 issue of service, Liberty agreed to and has withdrawn its application for default  
10 judgment.

11  
12 5. Liberty therefore respectfully requests that:

- 13 a. this matter be placed back on active calendar;
- 14  
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16 b. the entry of default against defendant Blatt be vacated to allow  
17 defendant the opportunity to appear and defend this matter; and
- 18  
19 c. an initial case management conference be set and dates for initial  
20 disclosures, etc. be ordered.

21  
22 6. Liberty believes that the issues in this action, which relate to insurance  
23 coverage, may be resolved by way of dispositive motions and anticipates converting its  
24 application for default judgment to a motion for summary judgment or partial summary  
25 judgment pursuant to Federal Rule of Civil Procedure 56.

1 7. Attorney Foreman has been given notice of the status conference.

2  
3 A courtesy copy of this status conference statement will be provided to him as  
4 counsel for defendant in advance of the status conference.  
5  
6

7 DATED: September 1, 2006

PETERSON & BRADFORD

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9  
10 By: 

Ronald J. Skodypec, Esq.

Melodee A. Yee, Esq.

Attorneys for Plaintiff

LIBERTY MUTUAL INSURANCE CO.  
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**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 100 North First Street, Suite 300, Burbank, California 91502.

On September 1, 2006, I served the foregoing document described as:

**LIBERTY MUTUAL INSURANCE COMPANY'S  
STATUS CONFERENCE STATEMENT**

on interested parties in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED MAILING LIST

☒ (BY MAIL)

☐ I deposited such envelope in the mail at Burbank, California. The envelope was mailed with postage thereon fully prepaid.

☒ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Burbank, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on Sept. 1, 2006, at Burbank, California.

☐ (BY FACSIMILE)

☐ I served by facsimile a true copy of the above-described document. I am "readily familiar" with this firm's practice of processing correspondence by fax. Under that practice documents are placed in our fax machine and are processed and received simultaneously at their destination. The above-referenced document(s) was placed in the fax machine with all costs of faxing prepaid, directed to each party (using their fax number), listed on the attached Service List. Once the document has been transmitted, the fax machine provides a report indicating time of completion.

Executed on \_\_\_\_\_, at Burbank, California.

☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

  
Sandy Richardson

**SERVICE LIST**

Ronald D. Foreman, Esq.  
Russell F. Brasso, Esq.  
FOREMAN & BRASSO  
Attorneys at Law  
930 Montgomery St., Suite 600  
San Francisco, CA 94133  
***Defendant***